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6 Attorneys for Defendant
7 WACHOVIA MORTGAGE, a division of
8 Wells Fargo Bank, N.A.

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

11
12 TANYA D. DENNIS) CV10-1596-CW
13 Plaintiff,)
14 vs.) ANSWER OF WACHOVIA MORTGAGE
15 WACHOVIA BANK, FSB, WELLS FARGO) TO COMPLAINT
16 BANK, N.A. and JOHN AND JANE DOES 1-)
17 5,)
18 Defendants.)

19 Defendant Wachovia Mortgage, now a division of Wells Fargo Bank, N.A., formerly
20 known as Wachovia Mortgage, FSB, formerly known as World Savings Bank, FSB
21 (“Wachovia”), for itself alone and for no other defendant, answers the Complaint as follows:

22 ANSWER

23 1. Answering Paragraph 1, Wachovia denies the allegations thereof.
24 2. Answering Paragraph 2, Wachovia denies the allegations thereof.
25 3. Answering Paragraph 3, Wachovia denies the allegations thereof.
26 4. Answering Paragraph 4, Wachovia denies the allegations thereof.
27 5. Answering Paragraph 5, Wachovia denies the allegations thereof.
28 6. Answering Paragraph 6, Wachovia denies the allegations thereof.

1 7. Answering Paragraph 7, Wachovia denies the allegations thereof.

2 8. Answering Paragraph 8, Wachovia admits that the United States District Court for
3 the Northern District of California has jurisdiction over this case.

4 9. Answering Paragraph 9, Wachovia is without knowledge or information sufficient to
5 form a belief as to the truth of the allegations of said paragraph, and on that basis Wachovia
6 denies the allegations thereof.

7 10. Answering Paragraph 10, Wachovia denies the allegations thereof and alleges that it
8 is now a division of Wells Fargo Bank, N.A. It was formerly known as Wachovia Mortgage,
9 FSB, which was formerly known as World Savings Bank, FSB.

10 11. Answering Paragraph 11, Wachovia denies the allegations thereof and alleges that it
11 is now a division of Wells Fargo Bank, N.A. It was formerly known as Wachovia Mortgage,
12 FSB, which was formerly known as World Savings Bank, FSB.

13 12. Answering Paragraph 12, Wachovia is without knowledge or information sufficient
14 to form a belief as to the truth of the allegations of said paragraph, and on that basis Wachovia
15 denies the allegations thereof.

16 13. Answering Paragraph 13, Wachovia admits that the subject deed of trust was
17 properly executed and recorded; Wachovia alleges the document speaks for itself.

18 14. Answering Paragraph 14, Wachovia denies that there has ever been a reconveyance
19 of the subject deed of trust.

20 15. Answering Paragraph 15, Wachovia admits the allegations thereof.

21 16. Answering Paragraph 16, Wachovia is without knowledge or information sufficient
22 to form a belief as to the truth of the allegations of said paragraph, and on that basis Wachovia
23 denies the allegations thereof.

24 17. Answering Paragraph 17, Wachovia alleges the document speaks for itself.

25 18. Answering Paragraph 18, Wachovia admits the allegations thereof.

26 19. Answering Paragraph 19, Wachovia admits the allegations thereof.

27 20. Answering Paragraph 20, Wachovia repeats its responses to Paragraphs 1-19.

28 21. Answering Paragraph 21, Wachovia denies the allegations thereof.

1 22. Answering Paragraph 22, Wachovia alleges it has always possessed the original two
2 promissory notes and original two deeds of trust securing repayment of same.
3 23. Answering Paragraph 23, Wachovia denies the allegations thereof.
4 24. Answering Paragraph 24, Wachovia alleges it has always possessed the original two
5 promissory notes and original two deeds of trust securing repayment of same.
6 25. Answering Paragraph 25, Wachovia denies the allegations thereof.
7 26. Answering Paragraph 26, Wachovia alleges the document speaks for itself.
8 27. Answering Paragraph 27, Wachovia alleges the document speaks for itself.
9 28. Answering Paragraph 28, Wachovia denies the allegations thereof.
10 29. Answering Paragraph 29, Wachovia alleges the document speaks for itself.
11 30. Answering Paragraph 30, Wachovia alleges the document speaks for itself.
12 31. Answering Paragraph 31, Wachovia alleges the document speaks for itself.
13 32. Answering Paragraph 32, Wachovia alleges the document speaks for itself.
14 33. Answering Paragraph 33, Wachovia denies the allegations thereof.
15 34. Answering Paragraph 34, Wachovia denies the allegations thereof.
16 35. Answering Paragraph 35, Wachovia denies the allegations thereof.
17 36. Answering Paragraph 36, Wachovia denies the allegations thereof.
18 37. Answering Paragraph 37, Wachovia denies the allegations thereof.
19 38. Answering Paragraph 38, Wachovia denies the allegations thereof.
20 39. Answering Paragraph 39, Wachovia admits the allegations thereof.
21 40. Answering Paragraph 40, Wachovia denies the allegations thereof.
22 41. Answering Paragraph 41, Wachovia denies the allegations thereof.
23 42. Answering Paragraph 42, Wachovia denies the allegations thereof.
24 43. Answering Paragraph 43, Wachovia denies the allegations thereof.
25 44. Answering Paragraph 44, Wachovia denies the allegations thereof.
26 45. Answering Paragraph 45, Wachovia denies the allegations thereof.
27 46. Answering Paragraph 46, Wachovia denies the allegations thereof.
28 47. Answering Paragraph 47, Wachovia denies the allegations thereof.

1 48. Answering Paragraph 48, Wachovia denies the allegations thereof.
2 49. Answering Paragraph 49, Wachovia denies the allegations thereof.
3 50. Answering Paragraph 50, Wachovia denies the allegations thereof.
4 51. Answering Paragraph 51, Wachovia denies the allegations thereof.
5 52. Answering Paragraph 52, Wachovia denies the allegations thereof.
6 53. Answering Paragraph 53, Wachovia denies the allegations thereof.
7 54. Answering Paragraph 54, Wachovia denies the allegations thereof.
8 55. Answering Paragraph 55, Wachovia denies the allegations thereof.
9 56. Answering Paragraph 56, Wachovia denies the allegations thereof.
10 57. Answering Paragraph 57, Wachovia denies the allegations thereof.
11 58. Answering Paragraph 58, Wachovia denies the allegations thereof.
12 59. Answering Paragraph 59, Wachovia denies the allegations thereof.
13 60. Answering Paragraph 60, Wachovia denies the allegations thereof.
14 61. Answering Paragraph 61, Wachovia denies the allegations thereof.
15 62. Answering Paragraph 62, Wachovia admits the subject documents were duly
16 executed but denies that they were "on behalf of" Wachovia.
17 63. Answering Paragraph 63, Wachovia denies the allegations thereof.
18 64. Answering Paragraph 64, Wachovia denies the allegations thereof.
19 65. Answering Paragraph 65, Wachovia denies the allegations thereof.
20 66. Answering Paragraph 66, Wachovia admits the allegations thereof.
21 67. Answering Paragraph 67, Wachovia denies the allegations thereof.
22 68. Answering Paragraph 68, Wachovia denies the allegations thereof.
23 69. Answering Paragraph 69, Wachovia denies the allegations thereof.
24 70. Answering Paragraph 70, Wachovia denies the allegations thereof.
25 71. Answering Paragraph 71, Wachovia denies the allegations thereof.
26 72. Answering Paragraph 72, Wachovia denies the allegations thereof.
27 73. Answering Paragraph 73, Wachovia denies the allegations thereof.
28 74. Answering Paragraph 74, Wachovia denies the allegations thereof.

- 1 75. Answering Paragraph 75, Wachovia denies the allegations thereof.
- 2 76. Answering Paragraph 76, Wachovia denies the allegations thereof.
- 3 77. Answering Paragraph 77, Wachovia denies the allegations thereof.
- 4 78. Answering Paragraph 78, Wachovia denies the allegations thereof.
- 5 79. Answering Paragraph 79, Wachovia denies the allegations thereof.
- 6 80. Answering Paragraph 80, Wachovia denies the allegations thereof.
- 7 81. Answering Paragraph 81, Wachovia denies the allegations thereof.
- 8 82. Answering Paragraph 82, Wachovia denies the allegations thereof.
- 9 83. Answering Paragraph 83, Wachovia denies the allegations thereof.
- 10 84. Answering Paragraph 84, Wachovia denies the allegations thereof.
- 11 85. Answering Paragraph 85, Wachovia denies the allegations thereof.
- 12 86. Answering Paragraph 86, Wachovia denies the allegations thereof.
- 13 87. Answering Paragraph 87, Wachovia denies the allegations thereof.
- 14 88. Answering Paragraph 88, Wachovia denies the allegations thereof.
- 15 89. Answering Paragraph 89, Wachovia denies the allegations thereof.
- 16 90. Answering Paragraph 90, Wachovia denies the allegations thereof.
- 17 91. Answering Paragraph 91, Wachovia denies the allegations thereof.
- 18 92. Answering Paragraph 92, Wachovia denies the allegations thereof.
- 19 93. Answering Paragraph 93, Wachovia denies the allegations thereof.
- 20 94. Answering Paragraph 94, Wachovia denies the allegations thereof.
- 21 95. Answering Paragraph 95. Wachovia repeats its responses to Paragraphs 1-94.
- 22 96. Answering Paragraph 96, Wachovia denies the allegations thereof.
- 23 97. Answering Paragraph 97, Wachovia denies the allegations thereof.
- 24 98. Answering Paragraph 98, Wachovia denies the allegations thereof.
- 25 99. Answering Paragraph 99, Wachovia denies the allegations thereof.
- 26 100. Answering Paragraph 100, Wachovia denies the allegations thereof.
- 27 101. Answering Paragraph 101, Wachovia denies the allegations thereof.
- 28 102. Answering Paragraph 102, Wachovia denies the allegations thereof.

- 1 103. Answering Paragraph 103, Wachovia denies the allegations thereof.
- 2 104. Answering Paragraph 104, Wachovia denies the allegations thereof.
- 3 105. Answering Paragraph 105, Wachovia denies the allegations thereof.
- 4 106. Answering Paragraph 106, Wachovia denies the allegations thereof.
- 5 107. Answering Paragraph 107, Wachovia denies the allegations thereof.
- 6 108. Answering Paragraph 108, Wachovia denies the allegations thereof.
- 7 109. Answering Paragraph 109, Wachovia denies the allegations thereof.
- 8 110. Answering Paragraph 110, Wachovia denies the allegations thereof.
- 9 111. Answering Paragraph 111, Wachovia denies the allegations thereof.
- 10 112. Answering Paragraph 112, Wachovia denies the allegations thereof.
- 11 113. Answering Paragraph 113, Wachovia denies the allegations thereof.
- 12 114. Answering Paragraph 114, Wachovia denies the allegations thereof.
- 13 115. Answering Paragraph 115, Wachovia denies the allegations thereof.
- 14 116. Answering Paragraph 116, Wachovia denies the allegations thereof.
- 15 117. Answering Paragraph 117, Wachovia denies the allegations thereof.
- 16 118. Answering Paragraph 118, Wachovia denies the allegations thereof.
- 17 119. Answering Paragraph 119, Wachovia denies the allegations thereof.
- 18 120. Answering Paragraph 120, Wachovia denies the allegations thereof.
- 19 121. Answering Paragraph 121, Wachovia denies the allegations thereof.
- 20 122. Answering Paragraph 122, Wachovia denies the allegations thereof.
- 21 123. Answering Paragraph 123, Wachovia denies the allegations thereof.
- 22 124. Answering Paragraph 124, Wachovia denies the allegations thereof.
- 23 125. Answering Paragraph 125, Wachovia repeats its responses to Paragraphs 1-124.
- 24 126. Answering Paragraph 126, Wachovia denies the allegations thereof.
- 25 127. Answering Paragraph 127, Wachovia denies the allegations thereof.
- 26 128. Answering Paragraph 128, Wachovia denies the allegations thereof.
- 27 129. Answering Paragraph 129, Wachovia denies the allegations thereof.
- 28 130. Answering Paragraph 130, Wachovia repeats its responses to Paragraphs 1-129.

1 131. Answering Paragraph 131, Wachovia denies the allegations thereof.
 2 132. Answering Paragraph 132, Wachovia denies the allegations thereof.
 3 133. Answering Paragraph 133, Wachovia denies the allegations thereof.
 4 134. Answering Paragraph 134, Wachovia denies the allegations thereof.
 5 135. Answering Paragraph 135, Wachovia denies the allegations thereof.
 6 136. Answering Paragraph 136, Wachovia denies the allegations thereof, and further
 7 specifically denies that plaintiff is entitled to damages in the sum or sums alleged, or any sum,
 8 or at all.

9 137. Answering Paragraph 137, Wachovia denies the allegations thereof, and further
 10 specifically denies that plaintiff is entitled to punitive damages in the sum or sums alleged, or
 11 any sum, or at all.

12 138. Answering Paragraph 138, Wachovia repeats its responses to Paragraphs 1-137.
 13 139. Answering Paragraph 139, Wachovia denies the allegations thereof.
 14 140. Answering Paragraph 140, Wachovia admits that it now owns the subject
 15 property.

16 141. Answering Paragraph 141, Wachovia denies the allegations thereof.
 17 142. Answering the (second) Paragraph 118, Wachovia repeats its responses to
 18 Paragraphs 1-141.

19 143. Answering the (second) Paragraph 119, Wachovia denies the allegations thereof.
 20 144. Answering the (second) Paragraph 120, Wachovia denies the allegations thereof.
 21 145. Answering the (second) Paragraph 121, Wachovia denies the allegations thereof.

FIRST AFFIRMATIVE DEFENSE

23 146. Insofar as it alleges a violation of state law, the First Cause of Action of the
 24 Complaint is preempted as against Wachovia by virtue of 12 U.S.C. §1464 and its
 25 implementing regulations, including, without limitation, Part 12 C.F.R. §560.2, as an
 26 interference with the lending operations of a federal savings association (which Wachovia was
 27 at the time of the subject loans in 2006).

28

SECOND AFFIRMATIVE DEFENSE

147. Insofar as it alleges a violation of state law, the Second Cause of Action of the
 Complaint is preempted as against Wachovia by virtue of 12 U.S.C. §1464 and its
 implementing regulations, including, without limitation, Part 12 C.F.R. §560.2, as an
 interference with the lending operations of a federal savings association (which Wachovia was
 at the time of the subject loans in 2006).

THIRD AFFIRMATIVE DEFENSE

148. Insofar as it alleges a violation of state law, the Third Cause of Action of the
 Complaint is preempted as against Wachovia by virtue of 12 U.S.C. §1464 and its
 implementing regulations, including, without limitation, Part 12 C.F.R. §560.2, as an
 interference with the lending operations of a federal savings association (which Wachovia was
 at the time of the subject loans in 2006).

FOURTH AFFIRMATIVE DEFENSE

149. Insofar as it alleges a violation of state law, the Fourth Cause of Action of the
 Complaint is preempted as against Wachovia by virtue of 12 U.S.C. §1464 and its
 implementing regulations, including, without limitation, Part 12 C.F.R. §560.2, as an
 interference with the lending operations of a federal savings association (which Wachovia was
 at the time of the subject loans in 2006).

FIFTH AFFIRMATIVE DEFENSE

150. The Complaint, and each purported cause of action therein, is barred by the
 doctrine of unclean hands.

SIXTH AFFIRMATIVE DEFENSE

151. The Complaint, and each purported cause of action therein, is barred by the
 doctrine of estoppel.

SEVENTH AFFIRMATIVE DEFENSE

152. The Complaint, and each purported cause of action therein, is barred by the
 doctrine of waiver.

EIGHTH AFFIRMATIVE DEFENSE

153. The Complaint, and each purported cause of action therein, is barred by the
doctrine of laches.

NINTH AFFIRMATIVE DEFENSE

154. The Complaint, and each purported cause of action therein, is barred by the
applicable statutes of limitation.

PRAYER

WHEREFORE, Wachovia prays for entry of judgment as follows:

1. That plaintiff take nothing by way of the Complaint;
2. That the Complaint be dismissed with prejudice;
3. For reasonable attorneys fees to the extent permitted by law and by the promissory notes and deeds of trust in question;
4. For costs of suit; and,
5. For such other and further relief as the Court may deem proper and/or just.

Dated: May 24, 2010

ANGLIN, FLEWELLING, RASMUSSEN,
CAMPBELL & TRYTTEN LLP

By: /s/ Christopher A. Carr

Christopher A. Carr

ccarr@afrct.com

Attorneys for Defendant WACHOVIA
MORTGAGE, a division of Wells Fargo
Bank, N.A.

PROOF OF SERVICE

1 STATE OF CALIFORNIA)
 2) ss.
 3 COUNTY OF LOS ANGELES)
 4

5 I am employed in the County of Los Angeles, State of California. I am over the age
 6 of 18 and not a party to the within action; my business address is 199 S. Los Robles Avenue,
 7 Suite 600, Pasadena, California 91101-2459.

8 On May 24, 2010, I served the following document(s) described as: **ANSWER OF**
WACHOVIA MORTGAGE TO COMPLAINT on the interested parties in this action by
 9 placing the original X a true and correct copy enclosed in a sealed envelope addressed
 as follows:

10 Tanya D. Dennis
 11 2027 Woolsey Street
 12 Berkeley, CA 94703

13

14 [X] **BY MAIL:** I am readily familiar with the firm's practice of collection and processing
 15 correspondence by mailing. Under that same practice it would be deposited with
 16 U.S. Postal Service on that same day with postage fully prepaid at Pasadena,
 17 California in the ordinary course of business. I am aware that on motion of the party
 18 served, service is presumed invalid if postal cancellation date or postage meter date is
 more than one day after date of deposit for mailing in affidavit.

19 [X] **FEDERAL:** I declare that I am employed in the offices of a member of this Court
 20 at whose direction the service was made.

21 Executed on May 24, 2010, at Pasadena, California.

22
 23 _____ Nancy J. Peters
 24 (Print Name)

25
 26 _____ *Nancy J. Peters*
 27 (Signature of Declarant)